

U.S. Patent Application Serial No. 10/645,849
Amendment filed September 4, 2008
Reply to OA dated May 12, 2008

REMARKS

Claims 1, 7, 9, 22, 24 - 26 and 28 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Response is fully responsive to the Office Action dated May 12, 2008.

Claims 1 - 29 are currently pending in this patent application. Claims 2, 4, 6, 8, 10, 12-15, 17, 18, 20, 21 and 23 are withdrawn from consideration; and claims 30 - 58 have been canceled without prejudice or disclaimer.

In response to the Examiner's outstanding objections to certain claim language, as set forth in item 2, page 2 of the outstanding Action, the applicants have amended the claims in question in order to avoid the outstanding objections thereto. Accordingly, the withdrawal of the outstanding claim objections is in order, and is therefore respectfully solicited.

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As to the merits of this case, the applicants thank the Examiner for indicating that claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, with due respect to the Examiner, to amend the claims in the manner suggested would unnecessarily narrow or limit the scope of the claims to which the applicants are entitled in view of the claim amendments filed herewith and for the reasons more fully discussed below.

The following rejections are set forth in the outstanding Action:

- (1) claims 1, 3, 9, 11, 16, 19, 22 and 24 - 27 are rejected under 35 U.S.C. §102(b) as being anticipated by Inoue (U.S. Pat. Appln. Pub. No. 2001/0017821); and
- (2) claims 5 and 7 are rejected under 35 U.S.C. 103(a) based on Inoue in view of the “applicant’s admitted prior art” (hereinafter, “the AAPA”).

The applicants respectfully request reconsideration of these rejections.

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The primary reference of Inoue conducts a scratch operation in a special “scratch mode” (see, S100 in Inoue’s FIG. 7). In order to enter the scratch mode, a scratch key 103 has to be pressed and a jog dial 83 has to be rotated, while the scratch key 103 is being pressed. Such teachings in Inoue, however, neither discloses nor suggests the “direct scratching” of the applicants’ instant claimed invention.

More particularly, the applicants’ claimed invention, as now recited in the amended claims filed herewith, includes the operation of a change condition selecting section (quick return button 115), reproducing-condition changing section (touch sensor 121), and processing control section (reproduction control section 52). The language of such claimed structural elements or features has been amended in the claims filed herewith in order to clarify that rotation is stopped by touching the touch sensor 121, and a scratch operation can be conducted by immediately applying rotating operation thereon. Such claimed structural arrangements or features are not disclosed in Inoue.

Accordingly, since not all of the claimed elements or features, as now recited in the amended claims filed herewith, are found in exactly the same situation and united in the same way to perform the identical function in Inoue’s apparatus or process, there can be no anticipation of the applicants’ claimed invention based on the teachings of the Inoue patent.

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Accordingly, the withdrawal of the outstanding anticipation rejection under 35 U.S.C. §102(b) based on Inoue (U.S. Pat. Appln. Pub. No. 2001/0017821) is in order, and is therefore respectfully solicited.

The Examiner specifically relies on the AAPA for the reasons set forth in the paragraph bridging pages 5 and 6 of the outstanding Action. However, such teachings do not supplement the above-discussed deficiencies or drawbacks in the teachings of Inoue in failing to fully meet the applicants' claimed invention, as now recited in the claims, as amended herein. Thus, the suggested combined teachings of such cited references would still fall far short in fully meeting the claimed invention, as now set forth in the amended claims filed herewith. Accordingly, the withdrawal of the outstanding obviousness rejection under 35 U.S.C. 103(a) based on Inoue in view of the AAPA is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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